

## CHAPTER 114

## 第 114 章

## MISCELLANEOUS LICENCES

## 雜類牌照條例

To consolidate and amend the law relating to miscellaneous licences.

本條例旨在綜合和修訂關於雜類牌照的法律。

[27 October 1933]

[1933年10月27日]

## Short title

This Ordinance may be cited as the Miscellaneous Licences Ordinance.

## 1. 簡稱

本條例可引稱為《雜類牌照條例》。

## Interpretation

In this Ordinance, unless the context otherwise requires—

"dancing school" (舞類學校) means any place opened, kept or used for the purpose of giving instruction in dancing except—

## 2. 釋義

在本條例中，除文意另有所指外——

"小販" (hawker) 指任何在街上或公眾大道上作商業活動的人，或任何前往不同場所、或登上任何船隻、以出售或為出售而展出可即時交付的貨品、貨物或銷售品的人，或展出貨品、貨物或銷售品的標本或式樣的人，而貨品、貨物或銷售品會於較後時間交付，或任何出售其手工藝技能或提供出售其手工藝技能的人；但不包括向購入任何貨品、貨物或銷售品以作轉售的商人作買賣或取定單的人；(由 1934 年第 9 號第 2 條修訂) [比照 1871 c. 96 s. 3 U.K.；比照 1888 c. 33 s. 2 U.K.]

"公眾舞廳" (public dance-hall) 指任何開設、經營或使用作跳舞用途的場所，而該場所，不論是否收取入場費，是開放給公眾人士進入的，但不包括已根據《公眾娛樂場所條例》(第 172 章) 獲發公眾娛樂場所牌照的公眾娛樂場所；

但如某場所基本上是為了其他合法目的而開設、經營或使用，而跳舞只是一項附帶的招徠項目，既不收費，亦無備有或提供導師或舞伴，則該場所不得當作公眾舞廳、經營或使用作跳舞用途；(由 1952 年第 15 號第 2 條增補)

\* (1985 年補助醫療業、助產士註冊及護士註冊 (修訂) 條例) (1985 年第 67 號) 附表第 1 部對本條作出相應修訂。該等修訂尚未生效，其內容如下——

"1. 第 2 條現予修訂，刪去"物理治療所"的定義。"

@ (1985 年補助醫療業、助產士註冊及護士註冊 (修訂) 條例) 乃 "Supplementary Medical Professions, Midwives Registration and Nurses Registration (Amendment) Ordinance 1985" 之譯名。

(a) a place of public entertainment licensed as such under the Places of Public Entertainment Ordinance (Cap. 172); or

(b) a public dance hall licensed as such under this Ordinance; or

(c) dancing schools for children under the age of 16; or

(d) a place used for the purpose of giving instruction in dancing where no charge whatsoever to any person resorting thereto, whether for admittance or instruction, or for food or drink supplied, or otherwise, is made; or

(e) a place used for the purpose of giving instruction in dancing by The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135); (Added 38 of 1984 s. 28)

(Added 15 of 1952 s. 2. Amended 27 of 1965 s. 2; 38 of 1984 s. 28)

"hawker" (小販) means any person who trades in any street or public thoroughfare or goes from place to place, or goes on board any vessel, selling or exposing for sale any goods, wares or merchandise immediately to be delivered, or exposing samples or patterns of any goods, wares or merchandise to be afterwards delivered, or selling or offering for sale his

skill in handicraft, except a person selling or seeking orders for goods, wares or merchandise to or from persons who are dealers therein, and who buy to sell again; (Amended 9 of 1934 s. 2) [cf. 1871 c. 96 s. 3 U.K.; 1888 c. 33 s. 2 U.K.]

XII "physiotherapy clinic" (物理治療所) means any premises used or represented as being or intended to be used for the treatment of diseases or disabilities of the human body, where any therapeutic equipment or apparatus listed in the Second Schedule is kept or used, except a physiotherapy department of or attached to a hospital for the time being recognized by the Director of Health, or except the consulting room of a duly registered medical practitioner; (Added 64 of 1955 s. 2. Amended L.N. 76 of 1989)

"place" (場所) includes any house, shop, room, office, boat, vehicle or vessel, or any erection movable or otherwise, or any spot on land or water;

"public dance-hall" (公眾舞廳) means any place opened, kept or used for the purpose of dancing to which the general public are admitted with or without payment for admission unless such place is a place of public entertainment licensed as such under the Places of Public Entertainment Ordinance (Cap. 172):

Provided that a place shall not be deemed to be opened, kept or used for the purpose of dancing if it is opened, kept or used primarily for some other lawful purpose to which dancing is merely an incidental attraction for which no charge is made and no instructors or dancing partners are provided or made available; (Added 15 of 1952 s. 2)

"sale" (出售) includes exchange or barter. (Amended 53 of 1983 s. 18; 64 of 1993 s. 24; 11 of 1995 s. 16; 13 of 1995 s. 2)

### 3. Regulations

(1) The Governor in Council may by regulation provide for—

- (a) licensing, regulation and control of any place, trade, business, undertaking or occupation specified in the First Schedule; (Amended 15 of 1952 s. 3; 64 of 1955 s. 3)
- (b) classifying for the purposes of paragraph (a) any place, trade, business or occupation for which a licence may be issued under this Ordinance;
- (c) the particulars which an applicant for any licence granted under this Ordinance shall furnish to any officer empowered to issue a licence hereunder; (Added 15 of 1952 s. 3)
- (d) the form and conditions of any licence granted under this Ordinance, the officers who may issue such licence and the fees therefor, the hours during which such licence may be used and the period for which such licence shall be issued;

Authorised 1000001st Edition, Printed and Published by the Government Printer, Hong Kong Special Administrative Region

Issue 14

"出售" (sale) 包括交換或以物相易;

"物理治療所" (physiotherapy clinic) 指任何存放有或使用附表 2 所列的任何治療設備或儀器而使用作、擬備使用作或擬使用作治療人類疾病或殘疾的處所，但衛生署署長當其時認可的醫院的物理治療部或附屬於該等醫院的物理治療部，以及正式註冊醫生的診症室除外；(由 1955 年第 64 號第 2 條增補。由 1989 年第 76 號法律公告修訂)

"場所" (place) 包括任何房屋、店舖、房間、辦公室、船艇、車輛或船隻，或任何架設物(不論可否移動)，或陸上或水上任何地點；

"舞蹈學校" (dancing school) 指任何開設、經營或使用作教授舞蹈用途的場所，但不包括——

- (a) 獲根據《公眾娛樂場所條例》(第 172 章) 發公眾娛樂場所牌照的公眾娛樂場所；或
  - (b) 獲根據本條例發牌的公眾舞廳；或
  - (c) 為 16 歲以下的兒童而設的舞蹈學校；或
  - (d) 使用作教授舞蹈用途，而不向任何去該處的人收取入場費、學費、供應食物或飲品費用或其他費用的場所；或
  - (e) 由根據《香港演藝學院條例》(第 1135 章) 設立的香港演藝學院使用作教授舞蹈的場所。(由 1984 年第 38 號第 28 條增補)
- (由 1952 年第 15 號第 2 條增補。由 1965 年第 27 號第 2 條修訂；由 1984 年第 38 號第 28 條修訂)  
(由 1983 年第 33 號第 18 條修訂；由 1993 年第 64 號第 24 條修訂；由 1995 年第 11 號第 16 條修訂；由 1995 年第 13 號第 2 條修訂)

### 3. 規例

(1) 總督會同行政局可藉訂立規例，就以下事宜訂定條文——

- (a) 就附表 1 所指明的場所、行業、業務、經營或職業發牌，並規管和管制該等場所、行業、業務、經營或職業；(由 1952 年第 15 號第 3 條修訂；由 1955 年第 64 號第 3 條修訂)
- (b) 為施行 (a) 段而將可獲根據本條例發牌的場所、行業、業務或職業分類；
- (c) 申請根據本條例提出的牌照的申請人須向獲賦權根據本條例發牌的人員提供的詳情；(由 1952 年第 15 號第 3 條增補)
- (d) 根據本條例批出的牌照的格式及發牌條件，可發出該等牌照的人員、牌照費、可使用牌照的時間及牌照的有效期；

2025年10月1日，香港特別行政區政府中印局印務局

第 114 章

7A. (Repealed 64 of 1993 s. 24)

B. Liability of agent

Whenever any person to whom any licence or permit or authority has been issued or granted under this Ordinance would be liable under the provisions of this Ordinance or of any regulations made thereunder to any punishment, penalty or forfeiture for any act, omission, neglect or default, he shall be liable to the same punishment, penalty or forfeiture for every similar act, omission, neglect or default of any agent or servant employed by him in the course of his business, and every such agent or servant shall also be liable to every punishment, penalty or forfeiture prescribed for such acts, omissions, neglects or defaults contrary to the provisions of this Ordinance as fully and effectually as if he had been the person to whom the licence or permit or authority had been issued or granted.

9. Saving

The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of any other enactment relating to or affecting any place, trade, business or occupation with respect to which this Ordinance applies. (Replaced 8 of 1941 s. 3)

10-11. (Repealed 64 of 1993 s. 24)

FIRST SCHEDULE

[ss. 3 & 4]

- Dancing school.
Lawyer of tobacco, cigars or cigarettes.
Physiotherapy clinic.
Public dance-hall.
(Amended 22 of 1935 s. 7; 8 of 1941 s. 4; 42 of 1947 s. 1; 15 of 1952 s. 6; 64 of 1955 s. 5; 50 of 1956 s. 1; 27 of 1963 s. 3; 21 of 1973 s. 20; 34 of 1978 s. 2; 11 of 1982 s. 8; 53 of 1983 s. 18; 64 of 1993 s. 24; 11 of 1995 s. 17; 13 of 1995 s. 2)

7A. (由 1993 年第 64 號第 24 條廢除)

B. 代理人的法律責任

如任何獲根據本條例發給牌照或許可證或獲授予權限的人，會因任何作為、不作為、疏忽或失責而根據本條例條文或根據本條例下訂立的規例被處以任何懲罰、刑罰或沒收，則該人亦可就其在業務運作中所僱用的任何代理人或受僱人所作的每一項類似作為、不作為、疏忽或失責，被處以相同懲罰、刑罰或沒收；而上述代理人或受僱人，亦各可處以該等違反本條例條文的作為、不作為、疏忽或失責所訂明的每一項懲罰、刑罰或沒收，其程度的全面性及有效性，猶如該代理人或受僱人是獲發給牌照或許可證或獲授予權限的人一樣。

9. 保留條文

本條例的條文，乃增補其他關於或影響本條例適用的場所、行業、業務或職業的成文法例的條文，而非對該等條文有所被出。

(由 1941 年第 8 號第 3 條代替)

10-11. (由 1993 年第 64 號第 24 條廢除)

\* 附表 1

[第 3 及 4 條]

- 公眾舞廳。
物理治療所。
售賣煙草、雪茄或香煙的小販。
舞蹈學校。
(由 1935 年第 22 號第 7 條修訂；由 1941 年第 8 號第 4 條修訂；由 1947 年第 42 號第 3 條修訂；由 1952 年第 15 號第 6 條修訂；由 1955 年第 64 號第 5 條修訂；由 1956 年第 50 號第 3 條修訂；由 1963 年第 27 號第 3 條修訂；由 1973 年第 21 號第 20 條修訂；由 1978 年第 34 號第 2 條修訂；由 1982 年第 11 號第 8 條修訂；由 1983 年第 53 號第 18 條修訂；由 1993 年第 64 號第 24 條修訂；由 1995 年第 11 號第 17 條修訂；由 1995 年第 13 號第 2 條修訂)

\* (1983 年輔助醫療業、助產士註冊及護士註冊(雜項)條例(1983 年第 47 號)附表第 1 部第 1 項作出相應修訂，其內容對尚未生效，其內容如下——
“1. 附表 1 項下註釋，第五“物理治療所”。
(1983 年輔助醫療業、助產士註冊及護士註冊(雜項)條例)”及“Supplementary Medical Professions, Midwives Registration and Nurses Registration (Miscellaneous) Ordinance 1983”之譯名。

XII

SECOND SCHEDULE

[s. 2]

Therapeutic equipment or apparatus involving the use of any of the following—

- Infra-red radiations
- Ultra-violet radiations
- Galvanic current
- Faradic current
- Sinusoidal current
- Long wave diathermy (high frequency current)
- Short wave diathermy (ultra-high frequency current)
- Ultra-short wave diathermy
- Electro-cautery
- Oscillator
- Supersonic equipment
- Electric hydrotherapy.

(Added 64 of 1955 s. 6)

THIRD-FOURTH SCHEDULES

(Repealed 64 of 1993 s. 24)

\* 附表 2

[第 2 條]

涉及使用下列任何項目的治療設備或儀器——

- 紅外線輻射
- 紫外線輻射
- 穩定直流電
- 感應電流
- 正弦電流
- 長波透熱法 (高頻電流)
- 短波透熱法 (超高频電流)
- 超短波透熱法
- 電灸
- 振盪器
- 超音速設備
- 電水療法。

(由 1955 年第 64 號第 6 條增補)

附表 3-4

(由 1993 年第 64 號第 24 條廢除)

\* (1985 年輔政司通告，附屬于註冊法例上訂冊 (修訂) 規則) 由 1985 年第 67 號 (附表 2) 對本附表作出修訂，該等修訂尚未生效，其內容如下——

"3. 附表 2 增予刪去。"

(2) "(1985 年輔政司通告，附屬于註冊法例上訂冊 (修訂) 規則)" 之 "Supplementary Medical Professions, Midwives Registration and Nurses Registration (Amendment) Ordinance 1985" 之譯名。